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ASSISTANT SECRETARY

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John M. Harmon
Assistant Attorney General
Department of Justice

[Redacted] STAT
Assistant General Counsel
Central Intelligence Agency

Arnold E. Donahue
Chief, Intelligence Branch
Office of Management and Budget

Samuel M. Hoskinson
National Security Council Staff
The White House

John Hotis
Inspector
Federal Bureau of Investigation

Lee Martin
Office of Current Assessments
Department of Energy

Robert T. Richardson
Associate Chief Counsel
Drug Enforcement Administration

Brent Rushforth
Assistant General Counsel
Department of Defense

[Redacted]
General Counsel
National Security Agency

Jeffrey H. Smith STAT
Deputy Assistant Legal Adviser
Department of State

State Dept. review completed.

[Redacted] STAT
Special Assistant to the Deputy to the
DCI for the Intelligence Community
Intelligence Community Staff

DHS Review Completed

FROM: Richard J. Davis RJD
Assistant Secretary
(Enforcement and Operations)

SUBJECT: E.O. 12036 - Draft "Umbrella" Procedures

Enclosed are our comments and suggestions regarding those parts of the draft "umbrella" procedures which we believe are most likely to have an impact on the Treasury Department's role as a major consumer of foreign intelligence information. Our concerns are focused on the law enforcement missions of Treasury, particularly the preventive responsibilities of the United States Secret Service. We hope to clarify the character of our enforcement interests in terms of both the direct applicability of E.O. 12036 to Treasury and the indirect but very significant impact of its limitations on the foreign intelligence collection agencies upon which we must rely for essential information.

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There are two basic guidelines we hope can be followed in using the "umbrella" procedures. First, after we arrive at mutual accord on them, the procedures should be promulgated with the understanding that modifications will be made if experience in the overall drafting process or in their application to operational situations demonstrates that they are deficient. As a very interested consumer, we have learned under E.O. 11905 that the intent and meaning of different provisions and terms are often viewed quite differently among the intelligence agencies and that operational personnel are often mystified by not only the Executive Order language but also the attempts to interpret it and provide guidance.

Second, we should strive to write these procedures, and the others that will follow, in language which is clear on its face to operational personnel. If those of us who are schooled in the Executive Order and related guidelines cannot readily reach mutual understanding of proposed procedures, we cannot reasonably expect that the employees of the Intelligence Community and other related agencies will comprehend their obligations and limitations under those same procedures.

Enclosure